

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8592 of 2015

Arising Out of PS. Case No.-59 Year-2000 Thana- RUPAULI District- Purnia

Fako Mandal son of Late Sita Ram Mandal resident of Village Dumri, P.S. Tikapatti, District Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Adv

For the Opposite Party/s : Mr.Narendra Kr.Singhapp, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-06-2019

Heard learned counsel for the parties.

2. This is an application under Section 482 of Cr.P.C. against order dated 07.02.2012/08.02.2012 passed by the learned Chief Judicial Magistrate, Purnea in Rupauli (Tikapati) P.S.Case No.59 of 2000.

3. One Yognendra Paswan, the local Chaukidar lodged Rupauli (Tikapati) P.S.Case No.59 of 2000 against unknown for offence under Sections 302/34 I.P.C. After investigation, the police submitted report as clueless. Thereafter, the learned court below noticed to the informant. When no one appeared on behalf of the informant, the final form was accepted by the impugned order dated 07.02.2012/08.02.2012.

4. Petitioner is brother of the deceased of the case. In paragraph-7 of the application, the petitioner has stated on oath



that the informant is already dead soon after submission of the chargesheet in this case.

5. There is no provision for notice to any other person than the informant in the event of submission of final form by the police not sending up the accused for trial. If any other person has any grievance he may file a complaint to the court concerned. Rekha Devi, wife of the deceased, has already filed Complaint Case No.650 of 2000 relating to occurrence of the murder of her husband for which the aforesaid FIR was lodged.

6. Since complaint petition of the same occurrence is already there, petitioner would be at liberty to give his evidence in this case regarding his knowledge about the occurrence.

7. With the aforesaid observation, I do not find any reason to interfere with the impugned order, in the facts and circumstances of this case, wherein the informant has already died.

8. Accordingly, this application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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